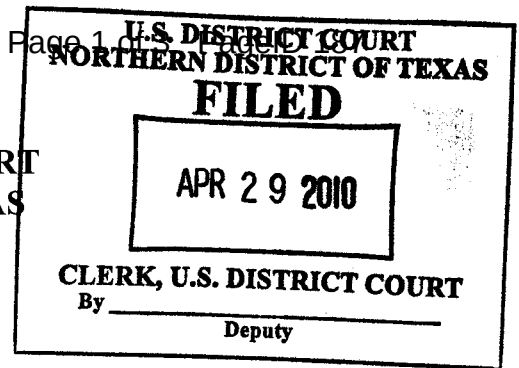


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



United States of America,
Plaintiff,

v.

Dewayne Kevin Sharlow,
Defendants/Debtor,

and

Petri Electric, Inc.
Garnishee.

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Case No. 09-CV-2238-F

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

BEFORE THE COURT is the Magistrate Judge's Findings and Recommendation, filed March 26, 2010. The Magistrate Judge recommended denying Defendant's request for certain exemptions to a writ of garnishment obtained by the United States of America. Neither party has objected to this recommendation. After due consideration, the Court is of the opinion that the Magistrate Judge's Report and Recommendation is neither clearly erroneous nor contrary to law and should therefore be ADOPTED IN ITS ENTIRETY.

Legal Standard

The Court reviews *de novo* a Magistrate Judge's Report and Recommendation if a party files specific objections within fourteen days of service. 28 U.S.C. § 636(b)(1)(C). If there are no objections to a Magistrate Judge's Report and Recommendation, as here, the

District Court is to review it for findings and conclusions that are either clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989); *see also Douglas v. United States' Automobile Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc) (explaining that a parties' failure to object to a magistrate judge's report also bars that party from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court, except upon grounds of plain error).

Discussion

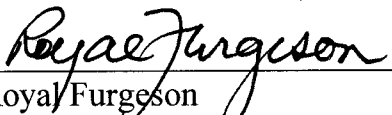
On November 23, 2009, the United States of America filed its application for a Writ of Garnishment against Defendant which was issued on December 1, 2009. Defendant was notified of the post-judgement garnishment, and on February 11, 2010, Defendant filed a Motion for Hearing Regarding Clerk's Notice of Post-Judgment Garnishment. He there claimed several exemptions to the writ of garnishment. The Magistrate Judge held a hearing on the motion on March 26, 2010. After considering arguments of the parties at the hearing and the parties' joint hearing memorandum, the Magistrate Judge found that because Defendant failed to meet his burden of proving the grounds for any exemption from the writ of garnishment, the exemptions claimed by Defendant in his motion should be disallowed.

Because the Magistrate Judge's findings and recommendation are neither clearly erroneous nor contrary to law, the Court therefore ORDERS that the Report and Recommendation be ADOPTED IN ITS ENTIRETY.

It is further ORDERED that the exemptions claimed by Defendant are DENIED. Petri Electric, Inc. shall comply with the writ of garnishment issued on December 1, 2009, and withhold 25% of Defendant's disposable earnings from each pay period to be applied to the balance of his criminal restitution obligation.

IT IS SO ORDERED

SIGNED this 29th day of April, 2010.



Royal Furgeson
Senior United States District Judge